

Serial No. 10/772,406
Attorney Docket No. 080437.52819US
PATENT

Amendments to the Drawings:

The attached drawing sheet, submitted for Examiner approval, includes changes to the sole figure in the present Application.

REMARKS

Claims 1 and 5-20 were examined in the Final Office Action mailed September 9, 2005. The Applicants note with appreciation the Examiner's indication that claim 6 contains allowable subject matter.

In order to place the claims into condition for allowance, the Applicants are requesting entry of amendments to independent claims 1, 10 and 20 to incorporate the limitations of claim 6, as well as a conforming amendment to cancel claim 6, without prejudice to the subject matter therein. The Applicants respectfully submit that these amendments are appropriate in the period after a final rejection because they raise no new issues that require further consideration and/or search and they place the application in condition for allowance.

As to the remaining drawing objection and 35 U.S.C. § 112, first paragraph rejection, the Applicants respectfully submit the following remarks.

Drawing Objection: In accordance with the Examiner's request, the Applicants are requesting approval of the enclosed proposed change to the sole figure, specifically, to change "Fig. 1" to "Figure." Entry of corresponding amendments to the Specification are also respectfully requested.

Sec. 112, First Paragraph Rejection: The Applicants respectfully traverse the rejection of claims 15, 18 and 19 as not enabled under § 112, first paragraph on the grounds that these claims are sufficiently enabled by the present Specification.

As noted in the Applicants' June 24, 2005 Amendment, the Specification

enables at least five approaches to creating the required pressure differential, including:

- supplying engine exhaust gas to the interior of the tank capsule (¶ [0013]);
- use of an overpressure-generating pump system “such as a blower or a pump that is driven preferably by an electric motor” or “an already existing pump system” such as an engine turbocharger (¶ [0019]);
- application of a vacuum to the capsule, for example, with the vacuum generated in the intake of an engine (¶ [0019]), by use of a suction pump (¶ [0020]) or use of a vacuum-generating boil-off burner (¶ [0020]);
- convection flow within the capsule (¶ [0021]); and
- stagnation pressure increase due to vehicle motion (*i.e.*, gas compression due to inertia as the vehicle accelerates/decelerates) (¶ [0021]).

With regard to the specific subject matter of claim 15 (“wherein the pressure differential generator is one of a blower and pump arranged outside the capsule.”), the Specification states that “[t]o rinse with overpressure, a pump system, arranged in essence outside the capsule, can be used, such as a blower or a pump that is driven preferably by an electric motor.” ¶ [0019].

With regard to the subject matter of claim 18 (“wherein the capsule is the pressure differential generator, and convective forces within the capsule generate the pressure differential to exhaust the gas from the capsule interior space”), the Specification states that “to generate a pressure differential or to rinse the intermediate space, convective forces can also be used so that optionally there is no need for an expensive device.” ¶ [0021].

With regard to the subject matter of claim 19 (“wherein the capsule is the pressure differential generator, and stagnation pressure generated within the

capsule as the vehicle moves generates the pressure differential to exhaust the gas from the capsule interior space.”), the Specification further states that “as another variant the stagnation pressure, which builds up as the vehicle continues to move, can be used as the pressure source for rinsing the interior of the capsule.” ¶ [0021].

The Applicant respectfully submits that the original Specification is sufficiently definite with respect to informing one of ordinary skill in the art how to practice the present invention without undue experimentation, as the various approaches to producing the desired pressure differential (whether with exhaust flow or another rinsing medium) would be well within the knowledge of one of ordinary skill, once informed of the invention described in the present Application. *Accord MPEP § 2163.04* (citing *In re Wertheim*, 541 F.2d 257, 263 (CCPA 1976) (burden on Examiner to establish *by a preponderance of the evidence* that one of skill in the art “would not recognize in an applicant’s disclosure a description of the invention defined by the claims.”)).

In view of the forgoing, reconsideration and withdrawal of the pending § 112, first paragraph rejection is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicant respectfully submits that claims 1, 5, and 7-20 are in condition for allowance. Early and favorable consideration, and issuance of a Notice of Allowance for these claims is respectfully requested.

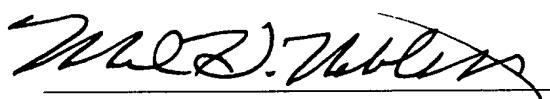
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If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.52819US).

Respectfully submitted,

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Jeffrey D. Sanok
Registration No. 32,169
Mark H. Neblett
Registration No. 42,028

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844